

No. 14-19-00154-CR  
In the Court of Appeals for the  
Fourteenth District of Texas  
at Houston

FILED IN  
14th COURT OF APPEALS  
HOUSTON, TEXAS  
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CHRISTOPHER A. PRINE  
Clerk

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No. 1527611  
In the 208th District Court  
of Harris County, Texas

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**The State of Texas**  
*State*  
v.  
**John Wesley Baldwin**  
*Appellee*

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**State's Motion for Extension  
Of Time to File Appellate Brief**

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TO THE HONORABLE COURT OF APPEALS:

The State of Texas, pursuant to Rules 2 and 10.5 of the Texas Rules of Appellate Procedure, moves for an extension of time in which to file its appellate brief. The following facts are relevant:

1. The appellee was indicted for the offense of capital murder on December 14, 2016. (C.R. 10). On September 27, 2018, the appellee filed a motion to suppress evidence obtained from his cellular telephone, his statements, and testimony regarding his post-arrest statements with detailed arguments. (C.R. 66-73). Following a hearing, Judge Denise Collins found that the facts set out in the affidavit were

insufficient to establish probable cause that the appellee's phone would contain evidence of a capital murder. (II R.R. 17–18). On December 19, 2018, Judge Collins orally granted the appellee's motion to suppress the evidence obtained from his phone. (II R.R. 18). On January 11, 2019, Judge Greg Glass issued a written order granting the appellee's third motion to suppress in its entirety. (C.R. 88–96). On January 31, 2019, the State timely filed its notice of appeal from the trial court's order. (C.R. 97–99); Tex. Code Crim. Proc. art. 44.01.

2. The State's brief is due on April 3, 2019. The State requests a 10-day extension of time from this date in which to file its brief.
3. This is the State's first request for extension.
4. The following facts are relied upon to show good cause for an extension of time to allow the State to file its brief:
  - a. The reporter's record was filed in this Court on March 11, 2019. The clerk's record was filed in this Court on March 14, 2019, initiating the due date for the State's brief. Since that date, the undersigned attorney has been assigned and is currently assigned the following matters:
    1. Benson Dorsey  
Nos. 01-18-00520-CR, 01-18-00521-CR, 01-18-00522-CR  
Brief completed and filed March 14, 2019
    2. Chester Mosley  
No. 01-18-00812-CR  
Brief completed and filed March 28, 2019

3. Ruben Carbajal Gomez  
No. 01-18-00864-CR  
Brief due April 18, 2019
  4. Rafael Perez-Mancha  
No. 14-18-00713-CR  
Brief due April 22, 2019
- b. The undersigned attorney was diagnosed with an infection and was unable to work on March 21, 25, and 26.
  - c. The undersigned attorney's son had an unexpected surgery on April 2, 2019, which required the undersigned attorney's presence and rendered him unable to work on that date.

Wherefore, the State prays that this Court will grant the requested extension.

Respectfully submitted,

/s/ Travis Dunlap  
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### **CERTIFICATE OF SERVICE**

This is to certify that the undersigned counsel has directed the e-filing system eFile.TXCourts.gov to serve a true and correct copy of the foregoing document to Robert A. Scardino, Brian M. Roberts, and

Mandy Goldman Miller, the appellee's attorneys of record on appeal, at the following respective e-mail address, through the electronic service system provided by eFile.TXCourts.gov: robert@sflawtx.com, brian@bmrlawyer.com, and mandy@mandymillerlegal.com.

/s/ Travis Dunlap  
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Date: April 3, 2019